IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Blair, *et al.*

Serial No.: 10/683,913

Filed: October 10, 2003

For: System and Method for Monitoring
    Equipment

)   Confirmation No: 3073
)   Group Art Unit: 2863
)
)   Examiner: Bhat, Aditya S.
)
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)
)

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

    This Appeal Brief under 37 C.F.R. § 41.37 is submitted in support of the Notice of Appeal filed July 9, 2007, responding to the non-final Office Action mailed April 9, 2007.

    It is not believed that extensions of time or fees are required to consider this Appeal Brief. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 08-2025.

I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no known related appeals or interferences that will affect or be affected by a decision in this Appeal.

III. Status of Claims

Claims 1-7, 9-12, 14-28, 30-32, and 34-46 stand rejected. No claims have been allowed. Claims 8, 13, 29, and 33 have been canceled. The rejections of claims 1-7, 9-12, 14-28, 30-32, and 34-46 are appealed.

IV. Status of Amendments

This application was originally filed on October 10, 2003, with forty-six (46) claims. In a Response filed August 3, 2005, Applicant amended claims 1, 14-17, 22-23, and 34-37 and canceled claims 8, 13, 29, and 33. In a Response filed February 2, 2006, Applicant presented remarks without any claim amendments. In a Response filed June 23, 2006, Applicant amended claim 30. The claims in

the attached Claims Appendix (see below) reflect the present state of Applicant's claims.

V. Summary of Claimed Subject Matter

The claimed inventions are summarized below with reference numerals and references to the written description ("specification") and drawings. The subject matter described in the following appears in the original disclosure at least where indicated, and may further appear in other places within the original disclosure.

Embodiments according to independent claim 1 describe an appliance (Fig. 1, 16, 18) for monitoring equipment (Fig. 1, 12, 14). The appliance (Fig. 1, 16, 18) comprises first means (Fig. 5, 106) for receiving data from the equipment and second means (Fig. 5, 118) for receiving a set of configuration data, wherein the second means (Fig. 5, 118) includes a communication module. The appliance (Fig. 1, 16, 18) further comprises third means (Fig. 5, 108) for processing the equipment data in accordance with a plurality of optional services, wherein the configuration data is adapted to enable or disable the optional services. The appliance (Fig. 1, 16, 18) is adapted to restart upon receiving a restart signal from the communication module. Applicant's specification, page 4, lines 6-15; pages 5-6, lines 20-26; and page 8, lines 25-28.

Embodiments according to independent claim 21 describe an appliance (Fig. 1, 16, 18) for monitoring equipment (Fig. 1, 12, 14). The appliance (Fig. 1, 16, 18) comprises a data port (Fig. 5, 106) for receiving data from the equipment (Fig. 1, 12, 14) and a communication module (Fig. 5, 118) for receiving one or more software components (Fig. 5, 112). Each software component (Fig. 5, 112) is for processing the equipment data in accordance with an optional service and for receiving a set of configuration data (Fig. 5, 116) adapted to enable or disable the software components. The appliance (Fig. 1, 16, 18) further comprises memory (Fig. 5, 110) for storing the software components (Fig. 5, 112) and a processor (Fig. 5, 108) for executing the software components (Fig. 5, 112) in accordance with the configuration data (Fig. 5, 116). Applicant's specification, page 4, lines 6-15 and pages 5-6, lines 20-26.

Embodiments according to independent claim 22 describe an appliance (Fig. 1, 16, 18) for monitoring one or more office equipment devices (Fig. 1, 12, 14). The appliance (Fig. 1, 16, 18) comprises a data port (Fig. 5, 106) for receiving data from an equipment device (Fig. 1, 12, 14) and software (Fig. 5, 112) adapted primarily for monitoring the equipment devices (Fig. 1, 12, 14). The software (Fig. 5, 112) includes one or more software components. Each software component is for processing equipment data in accordance with an optional service. The appliance (Fig. 1, 16, 18) further comprises a communication module (Fig. 5, 118) for receiving a set of configuration data (Fig. 5, 116) adapted to enable or disable the software components (Fig. 5, 112), wherein the software components (Fig. 5, 112) comprise at least software with instructions for monitoring a different appliance (Fig. 1, 16, 18). Such an appliance (Fig. 1, 16,

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18) further comprises memory (Fig. 5, 110) for storing the software (Fig. 5, 112) and a processor (Fig. 5, 108) for executing the software (Fig. 5, 112) in accordance with the configuration data (Fig. 5, 116). Applicant's specification, page 4, lines 6-15 and pages 5-6, lines 20-26. Embodiments according to independent claim 23 describe a system for monitoring equipment (Fig. 1, 12, 14). The system comprises one or more monitoring appliances (Fig. 1, 16, 18) adapted to monitor the equipment (Fig. 1, 12, 14).

Each monitoring appliance includes first means (Fig. 5, 106) for receiving data from the equipment (Fig. 1, 12, 14); second means (Fig. 5, 118) for receiving a set of configuration data; and third means (Fig. 5, 102) for processing the equipment data in accordance with a plurality of optional services, wherein the configuration data is adapted to enable or disable the optional services.

The third means (Fig. 5, 102) includes software (Fig. 5, 112) for processing the equipment data. The software (Fig. 5, 112) includes one or more software components. Each software component is for performing an optional service, wherein the software (Fig. 5, 112) is adapted to restart the monitoring appliance (Fig. 1, 16, 18) after receiving and storing the configuration data (Fig. 5, 116). The third means (Fig. 5, 102) further includes memory (Fig. 5, 110) for storing the software (Fig. 5, 112) and a processor (Fig. 5, 108) for executing the software in accordance with the configuration data (Fig. 5, 116), which is adapted to enable or disable the software components.

Such a system further comprises a fourth means (Fig. 5, 118) for transmitting the configuration data to the monitoring appliances (Fig. 1, 16, 18).

Applicant's specification, page 4, lines 6-15; pages 5-6, lines 20-26; and page 8, lines 25-28.

Embodiments according to independent claim 37 describe a system for monitoring office equipment (Fig. 1, 12, 14). The system comprises one or more monitoring appliances (Fig. 1, 16, 18) adapted to monitor the office equipment (Fig. 1, 12, 14).

Each monitoring appliance (Fig. 1, 16, 18) includes a data port (Fig. 5, 106) for receiving data from the equipment (Fig. 1, 12, 14) and appliance software (Fig. 5, 112) adapted primarily for monitoring the equipment (Fig. 1, 12, 14). The software (Fig. 5, 112) includes one or more software components. Each software component (Fig. 5, 112) is for processing the equipment data in accordance with an optional service, wherein the optional service includes functionality for monitoring a different appliance (Fig. 1, 16, 18). The monitoring appliance (Fig. 1, 16, 18) further includes a first communication module (Fig. 5, 118) for receiving a set of configuration data adapted to enable or disable the software components (Fig. 5, 112); first memory (Fig. 5, 110) for storing the appliance software (Fig. 5, 112); and a first processor (Fig. 5, 108) for executing the software (Fig. 5, 112) in accordance with the configuration data (Fig. 5, 116).

The system further comprises a central server (Fig. 5, 104). The central server (Fig. 5, 104) includes server software (Fig. 5, 124) for controlling the communication of data to and from the monitoring appliances (Fig. 1, 16, 18); a first database (Fig. 5, 126) of configuration data for the monitoring appliances (Fig. 1, 16, 18); second memory (Fig. 5, 122) for storing the server software (Fig. 5, 124) and the first database (Fig. 5, 126); a second processor (Fig. 5, 120) for

executing the server software (Fig. 5, 124); and a second communication module (Fig. 5, 134) for transmitting the configuration data to the monitoring appliances (Fig. 1, 16, 18). Applicant's specification, page 4, lines 6-15 and pages 5-7, lines 20-9.

Embodiments according to independent claim 42 describe a system for monitoring office equipment (Fig. 1, 12, 14). The system comprises one or more monitoring appliances (Fig. 1, 16, 18) adapted to monitor the office equipment (Fig. 1, 12, 14). Each monitoring appliance (Fig. 1, 16, 18) includes a data port for receiving data from the equipment (Fig. 1, 12, 14); a first communication module for receiving one or more software components (Fig. 5, 112). Each software component (Fig. 5, 112) is for processing the equipment data in accordance with an optional service, and for receiving a set of configuration data adapted to enable or disable the software components (Fig. 5, 112). The system further comprises first memory (Fig. 5, 110) for storing the software components (Fig. 5, 112) and a first processor (Fig. 5, 108) for executing the software components (Fig. 5, 112) in accordance with the configuration data (Fig. 5, 116).

The system further comprises a central server (Fig. 5, 104). The central server (Fig. 5, 104) includes server software (Fig. 5, 124) for controlling the communication of data to and from the monitoring appliances (Fig. 1, 16, 18); a first database (Fig. 5, 126) of configuration data for the monitoring appliances (Fig. 1, 16, 18); a second database (Fig. 5, 130) of software components (Fig. 5, 132) for the monitoring appliances (Fig. 1, 16, 18); second memory (Fig. 5, 122) for storing the server software (Fig. 5, 124) and the first and second databases (Fig. 5, 126, 130); a second processor (Fig. 5, 120) for executing the server

software (Fig. 5, 124); and a second communication module (Fig. 5, 134) for transmitting the configuration data and the software components (Fig. 5, 132) to the monitoring appliances (Fig. 1, 16, 18). Applicant's specification, page 4, lines 6-15 and pages 5-7, lines 20-9.

Embodiments according to independent claim 43 describe a method for remotely configuring a monitoring appliance (Fig. 1, 16, 18) for monitoring equipment (Fig. 1, 12, 14). The method includes storing a plurality of configurable software components (Fig. 5, 112) in the monitoring appliance (Fig. 1, 16, 18). Each software component is for performing a function of the monitoring appliance (Fig. 1, 16, 18). Applicant's specification, page 9, lines 3-8. The method further includes storing, in a central server (Fig. 5, 104), configuration data (Fig. 5, 128) that determines which software components (Fig. 5, 112) are enabled or disabled. Applicant's specification, pages 6-7, lines 27-1. Such a method further includes downloading the configuration data (Fig. 5, 128) from the central server (Fig. 5, 104) to the monitoring appliance (Fig. 1, 16, 18) and restarting the monitoring appliance (Fig. 1, 16, 18) with the software components enabled for or disabled from execution in accordance with the configuration data. Applicant's specification, pages 7-8, lines 10-15.

VI. Grounds of Rejection to be Reviewed on Appeal

The following grounds of rejections are to be reviewed on appeal:

Claims 21-22 and 37-42 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by admitted prior art in *Blair* (U.S. Patent Application Publication No. 2005/0080597).

Claims 1-7, 9-12, 14-20, 23-28, 30-32, and 34-36 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the admitted prior art in *Blair* (U.S. Patent 6,446,192) in view of *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claims 43-46 have been rejected under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter.

VII. Arguments

The Appellant respectfully submits that Applicant's claims 1-7, 9-12, 14-28, 30-32, and 34-46 are patentable. The Appellant respectfully requests that the Board of Patent Appeals overturn the rejection of those claims at least for the reasons discussed below.

A.   Claim Rejections - 35 U.S.C. §102(a)

Claims 21-22 and 37-42 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by admitted prior art in *Blair* (U.S. Patent Application Publication No. 2005/0080597).

1. Applicant's Claim 21

As provided in independent claim 21, Applicant claims:

> An appliance for monitoring equipment comprising:
> a data port for receiving data from said equipment;
> ***a communication module for receiving one or more software components, each software component for processing said equipment data in accordance with an optional service, and for receiving a set of configuration data adapted to enable or disable said software components***;
> a memory for storing said software components; and
> ***a processor for executing said software components in accordance with said configuration data***.

(Emphasis added).

Applicant respectfully submits that independent claim 21 is allowable for at least the reason that the admitted prior art of *Blair* does not disclose, teach, or suggest at least "a communication module for receiving one or more software components, each software component for processing said equipment data in accordance with an optional service, and for receiving a set of configuration data adapted to enable or disable said software components" and "a processor for executing said software components in accordance with said configuration data," as recited and emphasized above in claim 21.

In expressing the rejection of claim 21, the Office Action of April 9, 2007 suggests that element 40 of figure 2 of *Blair* discloses a communication module for receiving one or more software components, each software component for processing said equipment data in accordance with an optional service, and for receiving a set of configuration data adapted to enable or disable said software components. Page 2. In examining the block diagram of FIG. 2, block 40 is labeled as a "Comm. Module," which is a communication module of a monitoring

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appliance 30. Further, paragraph 0021 of *Blair* explains that "[d]ata from devices being monitored is input through a data port 38, processed by the software 36, and transmitted to the backoffice by a communication module 40. As discussed above, prior art monitoring appliances are limited to providing a single service. (Each service may require multiple tasks.) In the example of FIG. 1, if the printer monitoring appliance 16 breaks or is overloaded, the print server monitoring appliance 18 cannot be remotely retasked to perform the printer monitoring appliance's functions. FIG. 3 is a flow chart of the prior art retasking process. In order to retask an appliance, an installer must travel to the customer site and manually reconfigure the appliance (Step 42). The appliance can then reboot with the new tasks enabled (Step 44)."

Accordingly, *Blair* clearly describes that prior art monitoring appliances, such as that shown in FIG. 2, have communication modules which do not "receiv[e] one or more software components, each software component for processing said equipment data in accordance with an optional service, and for receiving a set of configuration data adapted to enable or disable said software components," as recited in claim 21. Likewise, the admitted prior art of *Blair* does not teach or suggest "a processor for executing said software components in accordance with said configuration data," as recited in claim 21. While FIG. 2 of *Blair* may show blocks labeled "Comm. Module" and "Processor," which share similarity to terms used as part of the claim language, these are inadequate to disclose the claimed communication module and claimed processor and their associated features.

Therefore, a *prima facie* case establishing anticipation of the claimed subject matter by the admitted prior art of *Blair* has not been made. For the aforementioned reasons, the rejection of claim 21 should be withdrawn.

2. Applicant's Claim 22

As provided in independent claim 22, Applicant claims:

> An appliance for monitoring one or more office equipment devices comprising:
> a data port for receiving data from an equipment device;
> ***software adapted primarily for monitoring said equipment devices, said software including one or more software components, each software component for processing equipment data in accordance with an optional service;***
> ***a communication module for receiving a set of configuration data adapted to enable or disable said software components, wherein said software components comprise at least software with instructions for monitoring a different appliance;***
> a memory for storing said software; and
> ***a processor for executing said software in accordance with said configuration data.***

(Emphasis added).

Applicant respectfully submits that independent claim 22 is allowable for at least the reason that the admitted prior art of *Blair* does not disclose, teach, or suggest at least "software adapted primarily for monitoring said equipment devices, said software including one or more software components, each software component for processing equipment data in accordance with an optional service," "a communication module for receiving a set of configuration data adapted to enable or disable said software components, wherein said software components comprise at least software with instructions for monitoring a

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different appliance," and "a processor for executing said software in accordance with said configuration data," as recited and emphasized above in claim 22.

In expressing the rejection of claim 22, the Office Action of April 9, 2007 suggests that element 40 of figure 2 of *Blair* discloses a communication module for receiving a set of configuration data adapted to enable or disable said software components, wherein said software components comprise at least software with instructions for monitoring a different appliance. Page 3. In examining the block diagram of FIG. 2, block 40 is labeled as a "Comm. Module," which is a communication module of a monitoring appliance 30. Further, paragraph 0021 of *Blair* explains that "[d]ata from devices being monitored is input through a data port 38, processed by the software 36, and transmitted to the backoffice by a communication module 40. As discussed above, prior art monitoring appliances are limited to providing a single service. (Each service may require multiple tasks.) In the example of FIG. 1, if the printer monitoring appliance 16 breaks or is overloaded, the print server monitoring appliance 18 cannot be remotely retasked to perform the printer monitoring appliance's functions. FIG. 3 is a flow chart of the prior art retasking process. In order to retask an appliance, an installer must travel to the customer site and manually reconfigure the appliance (Step 42). The appliance can then reboot with the new tasks enabled (Step 44)."

Accordingly, *Blair* clearly describes that prior art monitoring appliances, such as that shown in FIG. 2, have communication modules that do not "receiv[e] a set of configuration data adapted to enable or disable said software components, wherein said software components comprise at least software with

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instructions for monitoring a different appliance," as recited in claim 22. Likewise, the admitted prior art of *Blair* does not teach or suggest "a processor for executing said software components in accordance with said configuration data," as recited in claim 22. While FIG. 2 of *Blair* may show blocks labeled "Comm. Module" and "Processor," which share similarity to terms used as part of the claim language, these are inadequate to disclose the claimed communication module and claimed processor and their associated features. In addition, the admitted prior art of *Blair* fails to teach or suggest "software adapted primarily for monitoring said equipment devices, said software including one or more software components, each software component for processing equipment data in accordance with an optional service," as recited in claim 22. In contrast, *Blair* clearly states that prior art monitoring appliances are limited to providing a single service and do not disclose an optional service for the single service. *See* para. 0021.

Therefore, a *prima facie* case establishing anticipation of the claimed subject matter by the admitted prior art of *Blair* has not been made. For the aforementioned reasons, the rejection of claim 22 should be withdrawn.

3.   Applicant's Claim 37

As provided in independent claim 37, Applicant claims:

A system for monitoring office equipment comprising:
one or more monitoring appliances adapted to monitor said office equipment, **each monitoring appliance including:**
a data port for receiving data from said equipment;
appliance software adapted primarily for monitoring said equipment, said software including one or more software components, each software component for processing said

equipment data in accordance with an optional service, wherein said optional service includes functionality for monitoring a different appliance;

a first communication module for receiving a set of configuration data adapted to enable or disable said software components;

a first memory for storing said appliance software; and

a first processor for executing said software in accordance with said configuration data; and

a central server including:

server software for controlling the communication of data to and from said monitoring appliances;

a first database of configuration data for said monitoring appliances;

a second memory for storing said server software and said first
database;

a second processor for executing said server software; and

a second communication module for transmitting said configuration.

(Emphasis added).

Applicant respectfully submits that independent claim 37 is allowable for at least the reason that the admitted prior art of *Blair* does not disclose, teach, or suggest at least "each monitoring appliance including . . . appliance software adapted primarily for monitoring said equipment, said software including one or more software components, each software component for processing said equipment data in accordance with an optional service, wherein said optional service includes functionality for monitoring a different appliance," "a first communication module for receiving a set of configuration data adapted to enable or disable said software components," and "a first processor for executing said software in accordance with said configuration data," as recited and emphasized above in claim 37.

In expressing the rejection of claim 37, the Office Action of April 9, 2007 suggests that element 40 of figure 2 of *Blair* discloses a first communication module for receiving a set of configuration data adapted to enable or disable said software components. Page 4. In examining the block diagram of FIG. 2, block 40 is labeled as a "Comm. Module," which is a communication module of a monitoring appliance 30. Further, paragraph 0021 of *Blair* explains that "[d]ata from devices being monitored is input through a data port 38, processed by the software 36, and transmitted to the backoffice by a communication module 40. As discussed above, prior art monitoring appliances are limited to providing a single service. (Each service may require multiple tasks.) In the example of FIG. 1, if the printer monitoring appliance 16 breaks or is overloaded, the print server monitoring appliance 18 cannot be remotely retasked to perform the printer monitoring appliance's functions. FIG. 3 is a flow chart of the prior art retasking process. In order to retask an appliance, an installer must travel to the customer site and manually reconfigure the appliance (Step 42). The appliance can then reboot with the new tasks enabled (Step 44)."

Accordingly, *Blair* clearly describes that prior art monitoring appliances, such as that shown in FIG. 2, have communication modules that do not "receiv[e] a set of configuration data adapted to enable or disable said software components," as recited in claim 37. Likewise, the admitted prior art of *Blair* does not teach or suggest "a first processor for executing said software in accordance with said configuration data," as recited in claim 37. For example, while FIG. 2 of *Blair* may show blocks labeled "Comm. Module" and "Processor," these are inadequate to disclose the claimed communication module and claimed

processor and their associated features. In addition, the admitted prior art of *Blair* fails to teach or suggest "appliance software adapted primarily for monitoring said equipment, said software including one or more software components, each software component for processing said equipment data in accordance with an optional service, wherein said optional service includes functionality for monitoring a different appliance," as recited in claim 37. In contrast, *Blair* clearly states that prior art monitoring appliances are limited to providing a single service and do not disclose an optional service for the single service. *See* para. 0021.

Therefore, a *prima facie* case establishing anticipation of the claimed subject matter by the admitted prior art of *Blair* has not been made. For the aforementioned reasons, the rejection of claim 37 should be withdrawn.

4. Applicant's Claims 38-41

Because independent claim 37 is allowable over the cited art of record, dependent claims 38-41 (which depend from independent claim 37) are allowable as a matter of law for at least the reason that dependent claims 38-41 contain all the features of independent claim 37. For at least this reason, the rejections of claims 38-41 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for the allowability of claims 38-41, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

5.   Applicant's Claim 42

As provided in independent claim 42, Applicant claims:

> A system for monitoring office equipment comprising:
> one or more monitoring appliances adapted to monitor said office equipment, ***each monitoring appliance including:***
> a data port for receiving data from said equipment;
> ***a first communication module for receiving one or more software components, each software component for processing said equipment data in accordance with an optional service, and for receiving a set of configuration data adapted to enable or disable said software components;***
> a first memory for storing said software components; and
> ***a first processor for executing said software components in accordance with said configuration data;*** and
> a central server including:
> server software for controlling the communication of data to and from
> said monitoring appliances;
> a first database of configuration data for said monitoring appliances;
> a second database of software components for said monitoring appliances;
> a second memory for storing said server software and said first and second databases;
> a second processor for executing said server software; and
> a second communication module for transmitting said configuration data and said software components to said monitoring appliances.

(Emphasis added).

Applicant respectfully submits that independent claim 37 is allowable for at least the reason that the admitted prior art of *Blair* does not disclose, teach, or suggest at least "each monitoring appliance including . . . a first communication module for receiving one or more software components, each software component for processing said equipment data in accordance with an optional service, and for receiving a set of configuration data adapted to enable or disable said software components" and "a first processor for executing said software

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components in accordance with said configuration data," as recited and emphasized above in claim 42.

In expressing the rejection of claim 42, the Office Action of April 9, 2007 suggests that element 40 of figure 2 of *Blair* discloses a first communication module for receiving a set of configuration data adapted to enable or disable said software components. Page 4. In examining the block diagram of FIG. 2, block 40 is labeled as a "Comm. Module," which is a communication module of a monitoring appliance 30. Further, paragraph 0021 of *Blair* explains that "[d]ata from devices being monitored is input through a data port 38, processed by the software 36, and transmitted to the backoffice by a communication module 40. As discussed above, prior art monitoring appliances are limited to providing a single service. (Each service may require multiple tasks.) In the example of FIG. 1, if the printer monitoring appliance 16 breaks or is overloaded, the print server monitoring appliance 18 cannot be remotely retasked to perform the printer monitoring appliance's functions. FIG. 3 is a flow chart of the prior art retasking process. In order to retask an appliance, an installer must travel to the customer site and manually reconfigure the appliance (Step 42). The appliance can then reboot with the new tasks enabled (Step 44)."

Accordingly, *Blair* clearly describes that prior art monitoring appliances, such as that shown in FIG. 2, have communication modules that do not "receiv[e] one or more software components, each software component for processing said equipment data in accordance with an optional service, and for receiving a set of configuration data adapted to enable or disable said software components," as recited in claim 42. Likewise, the admitted prior art of *Blair* does not teach or

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suggest "a first processor for executing said software components in accordance with said configuration data," as recited in claim 42. While FIG. 2 of *Blair* may show blocks labeled "Comm. Module" and "Processor," which share similarity to terms used as part of the claim language, these are inadequate to disclose the claimed communication module and claimed processor and their associated features. *See* para. 0021.

Therefore, a *prima facie* case establishing anticipation of the claimed subject matter by the admitted prior art of *Blair* has not been made. For the aforementioned reasons, the rejection of claim 42 should be withdrawn.

B.   Claim Rejections - 35 U.S.C. §103(a)

Claims 1-7, 9-12, 14-20, 23-28, 30-32, and 34-36, and 46 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the admitted prior art in *Blair* (U.S. Patent 6,446,192) in view of *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

1.   Applicant's Claim 1

Applicant's independent claim 1 provides as follows:

> An appliance for monitoring equipment comprising:
> first means for receiving data from said equipment;
> second means for receiving a set of configuration data, wherein said second means includes a communication module; and
> ***third means for processing said equipment data in accordance with a plurality of optional services, wherein said configuration data is adapted to enable or disable said optional services, wherein said appliance is adapted to restart upon receiving a restart signal from said communication module.***

(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that the admitted prior art of *Blair* in view of *St. Regis Paper Co. v. Bemis Co.* does not disclose, teach, or suggest at least "third means for processing said equipment data in accordance with a plurality of optional services, wherein said configuration data is adapted to enable or disable said optional services, wherein said appliance is adapted to restart upon receiving a restart signal from said communication module," as recited and emphasized above in claim 1.

In expressing the rejection of claim 1, the Office Action of April 9, 2007 suggests that block 42 of FIG. 3 discloses third means for processing said equipment data in accordance with an optional service. Page 6. It is noted, however, that paragraph 0021 of *Blair* explains that "[i]n order to retask an appliance, an installer must travel to the customer site and manually reconfigure the appliance (Step 42). The appliance can then reboot with the new tasks enabled (Step 44)." Accordingly, the admitted prior art of *Blair* fails to teach or suggest an appliance for monitoring equipment comprising a third means for processing equipment data in accordance with an optional service, as described in claim 1.

In addition, the Office Action of April 9, 2007 also suggests that Figure 4 of *Blair* discloses configuration data that is adapted to enable or disable optional services associated with the monitoring appliance. Page 6. It is noted, however, that paragraph 0022 of *Blair* explains that "[p]rior art monitoring appliances were designed with the ability to upgrade their software remotely from the backoffice.

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FIG. 4 is a flow chart of the prior art software upgrading process. When new appliance code needs to be assigned to an appliance, the new software version is assigned to the appliance in the backoffice system (Step 50) and the backoffice system instructs the appliance to restart (Step 52). The appliance restarts (Step 54) and queries the backoffice for what software version it should have (Step 56). If the version returned from the backoffice is the same as the version the appliance has (Step 58), then the appliance completes its restart process (Step 66). If the returned version is different from the version the appliance has, then the appliance queries the backoffice for the software components it needs for the new software version (Step 60). For each new software component, the appliance downloads the component from the backoffice server (Step 62). The appliance installs all the new software components (Step 64) and completes its restart process (Step 66)."

Accordingly, the admitted prior art of *Blair* clearly fails to teach or suggest "third means for processing said equipment data in accordance with a plurality of optional services, wherein said configuration data is adapted to enable or disable said optional services, wherein said appliance is adapted to restart upon receiving a restart signal from said communication module," as recited in claim 1. For example, *Blair* clearly states that prior art monitoring appliances are limited to providing a single service and do not disclose an optional service. *See* para. 0021. *Blair* also explains that a new software component has to be downloaded and installed in order to retask an appliance, since the monitoring appliance does not have an optional service which can be enabled or disabled.

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The Office Action of April 9, 2007 further makes the point that *Blair* allegedly discloses the claimed invention except for a plurality of services and further states "[i]t would have been obvious to one having ordinary skill in the art at the time of the invention was made to, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8." Page 7. In response, Applicant notes that the admitted prior art of *Blair* does not disclose a single optional service associated with a monitoring appliance and therefore also does not disclose a plurality of optional services, in the manner claimed.

For at least these reasons, a *prima facie* case establishing an obviousness rejection by the proposed combination of the admitted prior art of *Blair* in view of *St. Regis Paper Co. v. Bemis Co.* has not been made. Therefore, the rejection of claim 1 should be withdrawn.

2. Applicant's Claims 2-7, 9-12, and 14-20

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-7, 9-12, and 14-20 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-7, 9-12, and 14-20 contain all the features of independent claim 1. For at least this reason, the rejections of claims 2-7, 9-12, and 14-20 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for the allowability of claims 2-7, 9-12, and 14-20, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves)

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that are patentably distinct from the cited art of record.   Hence, there are other reasons why these dependent claims are allowable.

3.   Applicant's Claim 23

As provided in independent claim 23, Applicant claims:

> A system for monitoring equipment comprising:
> one or more monitoring appliances adapted to monitor said equipment, each monitoring appliance including:
> first means for receiving data from said equipment;
> second means for receiving a set of configuration data; and
> ***third means for processing said equipment data in accordance with a plurality of optional services, wherein said configuration data is adapted to enable or disable said optional services, wherein said third means includes:***
> ***software for processing said equipment data, said software including one or more software components, each software component for performing an optional service, wherein said software is adapted to restart said monitoring appliance after receiving and storing said configuration data;***
> a memory for storing said software; and
> ***a processor for executing said software in accordance with said configuration data, which is adapted to enable or disable said software components;*** and
> fourth means for transmitting said configuration data to said monitoring appliances.

(Emphasis added).

Applicant respectfully submits that independent claim 23 is allowable for at least the reason that the admitted prior art of *Blair* in view of *St. Regis Paper Co. v. Bemis Co.* does not disclose, teach, or suggest at least "third means for processing said equipment data in accordance with a plurality of optional services, wherein said configuration data is adapted to enable or disable said optional services, wherein said third means includes: software for processing said equipment data, said software including one or more software components, each

software component for performing an optional service, wherein said software is adapted to restart said monitoring appliance after receiving and storing said configuration data" and "a processor for executing said software in accordance with said configuration data, which is adapted to enable or disable said software components," as recited and emphasized above in claim 23.

In expressing the rejection of claim 23, the Office Action of April 9, 2007 suggests that element 32 of figure 2 of *Blair* discloses a third means for processing said equipment data in accordance with a plurality of options services, wherein said configuration data is adapted to enable or disable said optional services. Page 8. In examining the block diagram of FIG. 2, block 32 is labeled as a "Processor," which is a processor of a monitoring appliance 30. Further, paragraph 0021 of *Blair* explains that "[d]ata from devices being monitored is input through a data port 38, processed by the software 36, and transmitted to the backoffice by a communication module 40. As discussed above, prior art monitoring appliances are limited to providing a single service. (Each service may require multiple tasks.) In the example of FIG. 1, if the printer monitoring appliance 16 breaks or is overloaded, the print server monitoring appliance 18 cannot be remotely retasked to perform the printer monitoring appliance's functions. FIG. 3 is a flow chart of the prior art retasking process. In order to retask an appliance, an installer must travel to the customer site and manually reconfigure the appliance (Step 42). The appliance can then reboot with the new tasks enabled (Step 44)."

Accordingly, *Blair* clearly describes that prior art monitoring appliances, such as that shown in FIG. 2 do not teach or suggest "processing said equipment

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data in accordance with a plurality of optional services, wherein said configuration data is adapted to enable or disable said optional services," as recited in claim 23. Likewise, the admitted prior art of *Blair* does not teach or suggest "software including one or more software components, each software component for performing an optional service, wherein said software is adapted to restart said monitoring appliance after receiving and storing said configuration data" and "a processor for executing said software in accordance with said configuration data, which is adapted to enable or disable said software components," as recited in claim 23. As an example, *Blair* clearly states that prior art monitoring appliances are limited to providing a single service and do not provide an optional service. *See* para. 0021.

For at least these reasons, a *prima facie* case establishing an obviousness rejection by the proposed combination of the admitted prior art of *Blair* in view of *St. Regis Paper Co. v. Bemis Co.* has not been made. Therefore, the rejection of claim 23 should be withdrawn.

4.   Applicant's Claims 24-28, 30-32, and 34-36

Because independent claim 23 is allowable over the cited art of record, dependent claims 24-28, 30-32, and 34-36 (which depend from independent claim 23) are allowable as a matter of law for at least the reason that dependent claims 24-28, 30-32, and 34-36 contain all features of independent claim 23. For at least this reason, the rejections of claims 24-28, 30-32, and 34-36 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for the allowability of claims 24-28, 30-32, and 34-36, these dependent claims recite further features

and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

C. Claim Rejections - 35 U.S.C. §101

Claims 43-46 have been rejected under 35 U.S.C. §103(a) as allegedly being directed to non-statutory subject matter.

In the Office Action of April 9, 2007, the Examiner stated that claim 43 must have either physical transformation and/or a useful, concrete, and tangible result and concluded that it does not. In support of the above conclusion, the Examiner cites and relies upon the USPTO Official Gazette Notice of November 22, 2005 ("the OG Notice"), which provided interim guidelines for examination of patent applications for subject matter eligibility. Applicant discusses the Examiner's position in light of OG Notice Guidelines in the following.

As an initial matter, Applicant notes for the record that the OG Notice upon which the Examiner relies is not binding authority as to the patentability of Applicant's claims. As expressed in the OG Notice:

> These Guidelines do not constitute substantive rulemaking and hence do not have the force and effect of law. These Guidelines have been designed to assist USPTO personnel in analyzing claimed subject matter for compliance with substantive law. Rejections will be based upon the substantive law and it is these rejections which are appealable. Consequently, any failure by USPTO personnel to follow the Guidelines is neither appealable nor petitionable.

Official Gazette Notice of November 22, 2005, Section I. Although the OG Notice does not comprise binding authority, Applicant discusses the OG Notice in the following in appreciation of the fact that the Examiner is bound to follow its

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guidelines. As the below analysis shows, Applicant's claims are proper under 35

U.S.C. § 101 as well as the guidelines described in the OG Notice.

The OG Notice first provides assistance to examiners in understanding

recent court decisions that interpret the requirements of 35 U.S.C. § 101. In

particular, the OG Notice explicitly acknowledges the breadth of what may qualify

as a "patentable invention":

> As the Supreme Court held, Congress chose the expansive language of 35 U.S.C. Sec. 101 so as to include "anything under the sun that is made by man." Diamond v. Chakrabarty, 447 U.S. 303, 308-09, 206 USPQ 193, 197 (1980). . . .

> The plain and unambiguous meaning of section 101 is that any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may be patented if it meets the requirements for patentability set forth in Title 35, such as those found in sections 102, 103, and 112. The use of the expansive term "any" in section 101 represents Congress's intent not to place any restrictions on the subject matter for which a patent may be obtained beyond those specifically recited in section 101 and the other parts of Title 35 . . . Thus, it is improper to read into section 101 limitations as to the subject matter that may be patented where the legislative history does not indicate that Congress clearly intended such limitations.

Official Gazette Notice of November 22, 2005, Section IV.A.

Despite such inclusive language, the OG Notice indicates that there are

limitations to what can be patented:

> Federal courts have held that 35 U.S.C. Sec. 101 does have certain limits. First, the phrase "anything under the sun that is made by man" is limited by the text of 35 U.S.C. Sec. 101, meaning that one may only patent something that is a machine, manufacture, composition of matter or a process. . . .
> The subject matter courts have found to be outside of, or exceptions to, the four statutory categories of invention is limited to abstract ideas, laws of nature and natural phenomena.

Official Gazette Notice of November 22, 2005, Section IV.A. Therefore, an invention is patentable under 35 U.S.C. § 101 as long as it: (i) falls within one of the explicit statutory categories identified in 35 U.S.C. § 101 and (ii) does not comprise one of an abstract idea, a law of nature, or a natural phenomenon (*i.e.*, the three "judicial exceptions").

The OG Notice next provides explicit instructions to examiners as to how to determine whether a claim falls within a statutory category of 35 U.S.C. § 101:

> To properly determine whether a claimed invention complies with the statutory invention requirements of 35 U.S.C. 101, USPTO personnel must first identify whether the claim falls within at least one of the four enumerated categories of patentable subject matter recited in section 101 (process, machine, manufacture or composition of matter).

Official Gazette Notice of November 22, 2005, Section IV.B. Later, the OG Notice provides explicit instructions to examiners as to how to determine whether a claim falls within one of the judicial exceptions:

> Determining whether the claim falls within one of the four enumerated categories of patentable subject matter recited in 35 U.S.C. Sec. 101 (process, machine, manufacture or composition of matter) does not end the analysis because claims directed to nothing more than abstract ideas (such as mathematical algorithms), natural phenomena, and laws of nature are not eligible and therefore are excluded from patent protection. . . .

> . . . In evaluating whether a claim meets the requirements of section 101, the claim must be considered as a whole to determine whether it is for a particular application of an abstract idea, natural phenomenon, or law of nature, rather than for the abstract idea, natural phenomenon, or law of nature itself.

Official Gazette Notice of November 22, 2005, Section IV.C.

The OG Notice further states that a claim that relates to an abstract idea, natural phenomenon, or law of nature may still be patentable:

While abstract ideas, natural phenomena, and laws of nature are not eligible for patenting, methods and products employing abstract ideas, natural phenomena, and laws of nature to perform a real-world function may well be.

Official Gazette Notice of November 22, 2005, Section IV.C. On that issue, the OG Notice expresses that "practical applications" of the judicial exceptions can be patentable and provides specific guidelines to aid examiners in determining whether a practical application of one of the judicial exceptions is claimed:

> To satisfy section 101 requirements, the claim must be for a practical application of the Sec. 101 judicial exception, which can be identified in various ways:
>
> - The claimed invention "transforms" an article or physical object to a different state or thing.
>
> - The claimed invention otherwise produces a useful, concrete and tangible result, based on the factors discussed below.

Official Gazette Notice of November 22, 2005, Section IV.C.2. Therefore, *if* a claim is related to one of the judicial exceptions there must be an appropriate "transformation" or otherwise must be a "useful, concrete, and tangible result."

From the foregoing, it is apparent that the issue of whether a "tangible result" is claimed is *only* to be considered if: (1) the claimed invention concerns one of the judicial exceptions (*i.e.*, abstract ideas, natural phenomena, and laws of nature) *and* (2) the claimed invention does not "transform" an article or physical object to a different state or thing.

As provided in independent claim 43, Applicant claims:

> A method for remotely configuring a monitoring appliance for monitoring equipment including the steps of:
> storing a plurality of configurable software components in said monitoring appliance, each software component for performing a function of said monitoring appliance;

storing, in a central server, configuration data that determines which software components are enabled or disabled;
downloading said configuration data from said central server to said monitoring appliance; and
restarting said monitoring appliance with said software components enabled for or disabled from execution in accordance with said configuration data.

The above recited claim is clearly not reciting a law of nature or natural phenomena. Therefore, the Examiner appears to be suggesting that the subject matter of the claim recites an abstract idea.

Applicant notes that claim 43 contains explicit limitations that *cannot* be practiced by an algorithm alone. For example, claim 43 recites the actions of "storing a plurality of configurable software components in said monitoring appliance, each software component for performing a function of said monitoring appliance; storing, in a central server, configuration data that determines which software components are enabled or disabled; downloading said configuration data from said central server to said monitoring appliance; and restarting said monitoring appliance with said software components enabled for or disabled from execution in accordance with said configuration data." Moreover, use of a "monitoring appliance" is explicitly recited in the claim.

In view of the above points, Applicant submits that claim 43 and claims 44-46 which depend there from are not merely directed to an algorithm and are therefore compliant with 35 U.S.C. § 101. Applicant therefore submits that, under the OG Notice Guidelines relied upon by the Examiner, Applicant's claims fully comply with 35 U.S.C. § 101 and no further analysis is required.

Irrespective of the above, Applicant submits that claim 43 clearly does produce a tangible result. Section IV.C.2.b(2) the OG Notice provides an indication of what qualifies as a "tangible result":

> The tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus or must operate to change articles or materials to a different state or thing. However, the tangible requirement does require that the claim must recite more than a Sec. 101 judicial exception, in that the process claim must set forth a practical application of that Sec. 101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-77 (invention ineligible because had "no substantial practical application."). "[A]n application of a law of nature or mathematical formula to a . . . process may well be deserving of patent protection." Diehr, 450 U.S. at 187, 209 USPQ at 8 (emphasis added); see also Corning, 56 U.S. (15 How.) at 268, 14 L.Ed. 683 ("It is for the discovery or invention of some practical method or means of producing a beneficial result or effect, that a patent is granted . . ."). In other words, the opposite meaning of "tangible" is "abstract."
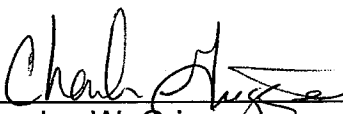
Official Gazette Notice of November 22, 2005, Section IV.C.2.b(2). In view of the above excerpt, a "tangible result" is produced if the claimed invention produces a "read-world result" as opposed to a mere abstraction, such an application of a law of nature of a mathematical formula. In the present case, Applicant's claim 43 clearly does describe a "real-world result." Specifically, practice of Applicant's claimed method results in a monitoring appliance being configured with configuration data from a central server after the configuration data is executed by the monitoring appliance. This is a real-world process involving real-world machines. Clearly then, claim 43 and claims 44-46 which depend there from are directed to a practical application that produces a tangible result.

VIII. <u>Conclusion</u>

In summary, it is Applicant's position that Applicant's claims are patentable over the applied cited art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,

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Claims Appendix under 37 C.F.R. § 41.37(c)(1)(viii)

The following are the claims that are involved in this Appeal.

1.   An appliance for monitoring equipment comprising:

first means for receiving data from said equipment;

second means for receiving a set of configuration data, wherein said second means includes a communication module; and

third means for processing said equipment data in accordance with a plurality of optional services, wherein said configuration data is adapted to enable or disable said optional services, wherein said appliance is adapted to restart upon receiving a restart signal from said communication module.

2.   The invention of claim 1 wherein said third means includes:

software for processing said equipment data, said software including one or more software components, each software component for performing an optional service;

fourth means for storing said software; and

fifth means for executing said software in accordance with said configuration data, which is adapted to enable or disable said software components.

3.   The invention of claim 2 wherein said fourth means is a memory.

4.   The invention of claim 3 wherein said memory is also adapted to store said configuration data.

5.   The invention of claim 2 wherein said fifth means is a processor.

6.   The invention of claim 1 wherein said first means includes one or more data ports.

7.   The invention of claim 6 wherein said data ports are also adapted to transmit data to said equipment.

8.   Canceled

9.   The invention of claim 1 wherein said appliance further includes means for transmitting data to a remote system.

10.   The invention of claim 2 wherein said appliance further includes means for receiving new or upgraded software components.

11.   The invention of claim 10 wherein said configuration data is adapted to enable or disable a new or upgraded software component.

12.   The invention of claim 4 wherein said software is adapted to restart said appliance after receiving and storing said configuration data.

13.   Canceled

14. The invention of claim 1 wherein said appliance is adapted to receive said configuration data from said communication module during a restart process.

15. The invention of claim 1 wherein said appliance is adapted to receive and store new or upgraded software components from said communication module during a restart process.

16. The invention of claim 1 wherein said communication module is coupled to an internet connection.

17. The invention of claim 1 wherein said communication module is coupled to a dial-up connection.

18. The invention of claim 1 wherein said communication module is coupled to a wireless connection.

19. The invention of claim 1 wherein said appliance is a stand-alone device separate from said equipment.

20. The invention of claim 1 wherein said equipment includes one or more printers.

21. An appliance for monitoring equipment comprising:

a data port for receiving data from said equipment;

a communication module for receiving one or more software components, each software component for processing said equipment data in accordance with an optional service, and for receiving a set of configuration data adapted to enable or disable said software components;

a memory for storing said software components; and

a processor for executing said software components in accordance with said configuration data.

22. An appliance for monitoring one or more office equipment devices comprising:

a data port for receiving data from an equipment device;

software adapted primarily for monitoring said equipment devices, said software including one or more software components, each software component for processing equipment data in accordance with an optional service;

a communication module for receiving a set of configuration data adapted to enable or disable said software components, wherein said software components comprise at least software with instructions for monitoring a different appliance;

a memory for storing said software; and

a processor for executing said software in accordance with said configuration data.

23.   A system for monitoring equipment comprising:

one or more monitoring appliances adapted to monitor said equipment, each monitoring appliance including:

first means for receiving data from said equipment;

second means for receiving a set of configuration data; and

third means for processing said equipment data in accordance with a plurality of optional services, wherein said configuration data is adapted to enable or disable said optional services, wherein said third means includes:

software for processing said equipment data, said software including one or more software components, each software component for performing an optional service, wherein said software is adapted to restart said monitoring appliance after receiving and storing said configuration data;

a memory for storing said software; and

a processor for executing said software in accordance with said configuration data, which is adapted to enable or disable said software components; and

fourth means for transmitting said configuration data to said monitoring appliances.

24.   The invention of claim 23 wherein said fourth means includes a central server.

25. The invention of claim 24 wherein said central server includes a first database of configuration data for the monitoring appliances.

26. The invention of claim 25 wherein a user can change which services in a monitoring appliance are enabled or disabled by modifying the configuration data for that monitoring appliance stored in said first database.

27. The invention of claim 25 wherein said central server includes an application for modifying the configuration data stored in said first database.

28. The invention of claim 27 wherein said application is a web application.

29. Canceled

30. The invention of claim 27 wherein said central server includes a second database of new or upgraded software components.

31. The invention of claim 30 wherein said monitoring appliances further include means for receiving new or upgraded software components from said central server.

32.   The invention of claim 31 wherein said configuration data is adapted to enable or disable a new or upgraded software component.

33.   Canceled

34.   The invention of claim 23 wherein said software is adapted to restart said monitoring appliance upon receiving a restart signal from said central server.

35.   The invention of claim 24 wherein said software is adapted to receive and store said configuration data from said central server during a restart process.

36.   The invention of claim 24 wherein said software is adapted to receive and store new or upgraded software components from said central server during a restart process.

37.   A system for monitoring office equipment comprising:

one or more monitoring appliances adapted to monitor said office equipment, each monitoring appliance including:

a data port for receiving data from said equipment;

appliance software adapted primarily for monitoring said equipment, said software including one or more software components, each software component for processing said equipment data in accordance with an optional service, wherein said optional service includes functionality for monitoring a different appliance;

a first communication module for receiving a set of configuration data adapted to enable or disable said software components;

a first memory for storing said appliance software; and

a first processor for executing said software in accordance with said configuration data; and

a central server including:

server software for controlling the communication of data to and from said monitoring appliances;

a first database of configuration data for said monitoring appliances;

a second memory for storing said server software and said first database;

a second processor for executing said server software; and

a second communication module for transmitting said configuration data to said monitoring appliances.

38.   The invention of claim 37 wherein said central server further includes an application for modifying the configuration data stored in said first database.

39.   The invention of claim 37 wherein said central server further includes a second database of new or upgraded software components.

40.   The invention of claim 39 wherein said first and second communication means are also adapted to download new or upgraded software components from said central server to said monitoring appliances.

41.   The invention of claim 40 wherein said configuration data is adapted to enable or disable a new or upgraded software component.

42.   A system for monitoring office equipment comprising:

one or more monitoring appliances adapted to monitor said office equipment, each monitoring appliance including:

a data port for receiving data from said equipment;

a first communication module for receiving one or more software components, each software component for processing said equipment data in accordance with an optional service, and for receiving a set of configuration data adapted to enable or disable said software components;

a first memory for storing said software components; and

a first processor for executing said software components in accordance with said configuration data; and

a central server including:

server software for controlling the communication of data to and from said monitoring appliances;

a first database of configuration data for said monitoring appliances;

a second database of software components for said monitoring appliances;

a second memory for storing said server software and said first and second databases;

a second processor for executing said server software; and

a second communication module for transmitting said configuration data and said software components to said monitoring appliances.

43.   A method for remotely configuring a monitoring appliance for monitoring equipment including the steps of:

storing a plurality of configurable software components in said monitoring appliance, each software component for performing a function of said monitoring appliance;

storing, in a central server, configuration data that determines which software components are enabled or disabled;

downloading said configuration data from said central server to said monitoring appliance; and

restarting said monitoring appliance with said software components enabled for or disabled from execution in accordance with said configuration data.

44.   The invention of claim 43 wherein a user can change which software components are enabled or disabled by modifying the configuration data stored in the central server.

45.   The invention of claim 43 wherein said method further includes the steps of:

storing new or upgraded software components in said central server;

downloading said new or upgraded software components from said central server to said monitoring appliance; and

installing said new or upgraded software components in said appliance.

46. The invention of claim 45 wherein said configuration data is adapted to enable or disable a new or upgraded software component.

Evidence Appendix under 37 C.F.R. § 41.37(c)(1)(ix)

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

Related Proceedings Appendix under 37 C.F.R. § 41.37(c)(1)(x)

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.